IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6495 of 2005

Between:

N. Venkateswara Rao, S/o. Late Subba Rao,

R/o. D.No. 57-1-34/A, Karnamvari St, Patamata,

Vijayawada-520 010.

..... PETITIONER

AND

1 The Sub-Collector, Vijayawada-520 002.
2 The District Registrar, Patamata, Vijayawada-520 010.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to appropriate Writ Order or Direction more particularly in the nature of writ of Mandamus declaring the inaction of the respondents herein complying with the orders dt. 3-9-2004 in IA No. 175 of 2004 in O S No. 75 of 2002 on the file of the Court of the Hon'ble II Additional District Judge at Vijayawada as arbitrary illegal apart from gross violation of Mandatory duties under provisions of The Indian Stamp Act 1899 and consequently direct the respondents herein to comply the orders of the Learned II Additional district Judge at Vijayawada forthwith.

Counsel for the Petitioner:MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.6495 OF 2005

ORDER :

The writ petitioner is the third defendant in O.S.No.75 of 2002 on the file of the Court of the II-Addl. District Judge, Vijayawada filed by one Smt. Dhanekula Padmavathi for partition of the suit schedule properties. In the said suit, the writ petitioner filed I.A.No.175 of 2004 under Order 13 Rule 8 and Section 151 of C.P.C. read with Section 38 (2) of the Indian Stamp Act, 1899 with a prayer to refer Ex.B-1 (Will-cum-Settlement Deed), dated 15-3-1986 to the Sub-Collector, Vijayawada for the purpose of impounding. The said application was allowed by order dated 3-9-2004.

The grievance of the petitioner is that the 1st respondent failed to take any further steps in terms of the order of the learned II-Addl. District Judge, dated 3-9-2004. Hence, this writ petition seeking a declaration that the inaction on the part of the respondents is arbitrary and illegal.

I have heard the learned Counsel for both the parties and perused the material on record.

The learned Government Pleader submits that since there is already an order by the

learned Addl. District Judge, the further steps will be taken by the 1st respondent in accordance with law.

Accordingly, the writ petition is disposed of with a direction to the respondents to take appropriate steps in accordance with law, in terms of the order of the 2nd respondent, dated 3-9-2004 in I.A.No.175 of 2004 in O.S.No.75 of 2002 on the file of the Court of the II-Addl. District Judge, Vijayawada, as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. No costs.

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25th April, 2005.

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To

1 The Sub-Collector, Vijayawada-520 002.
2 The District Registrar, Patamata, Vijayawada-520 010.

3 2 CCs to the G.P for Revenue, High Court Buildings,

Hyderabad. (OUT)

4 2 CD copies.